

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 4, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Thursday, January, 2001, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, and James S. Burgett.

Also in attendance was James E. Barnett, County Attorney.

Invocation. William C. Parker, Public Information Officer, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

ORGANIZATION OF THE 2001 YORK COUNTY BOARD OF SUPERVISORS

Chairman Zaremba welcomed everyone to the first Board of Supervisors meeting of 2001, and stated he felt it was going to be an exciting year with a lot to be achieved. He explained that Miss Rapp had resigned her seat at the District 5 Supervisor on January 3 having won the special election to the House of Delegates. On behalf of the Board, Chairman Zaremba wished Miss Rapp well, stating the Board looked forward to working with her in her new capacity. He then noted that the agenda this evening was very short with the only order of business being the establishment of the Board's Rules of Procedure and the election of its officers.

ESTABLISHMENT OF THE RULES OF PROCEDURE

Mrs. Noll stated she would vote against the Rules of Procedure because they were the same as the ones drawn up and approved last year. She stated her objection was that they were exclusive in that they stated only York County residents could speak before the Board unless otherwise permitted by the Chairman or Vice Chairman. Other rules were also changed last year that gave more power to the Chairman and Vice Chairman that were not present when this Board was elected.

Mr. Burgett indicated the Board passed these rules in January of last year, and he had attended all the meetings held by the Board during the year. He stated he had noted nothing but a positive impact because of the new rules. Rules need to adapt and grow with people, and Mr. Burgett stated he believed the rules have been very successful, and he saw no reason to change them.

Chairman Zaremba stated, with respect to the Rules that were adopted last year, he did not recall any person being denied the opportunity to speak at one of the Board's meetings, whether

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or not they were from York County or from another locality. He stated the change last year was not made to empower the Board any more but to comply with the obligation that some members of the Board made to the people of the County that their priorities would lie first with the citizens. The intention was to provide for the best interests of the County's citizens, regardless of whether it was someone wanting to address the Board or the decisions made by the members of the Board.

Mr. Burgett then moved the adoption of proposed Resolution R01-1 that reads:

A RESOLUTION TO ADOPT THE YORK COUNTY BOARD OF
SUPERVISORS' RULES OF PROCEDURE FOR 2001

BE IT RESOLVED by the York County Board of Supervisors this 4th day of January, 2001, that the following Rules of Procedures be, and they are hereby, adopted for 2001:

YORK COUNTY BOARD OF SUPERVISORS
RULES OF PROCEDURE
As Amended through January 4, 2001

SECTION 1 - MEETINGS

Section 1-1 When and Where Regular Meetings are Held

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting. Regular meetings shall be called to order at 7:00 p.m., EST and DST in the Board Room, York Hall, on the first Tuesday of each month, with the exception of the first Tuesday in the months of July and November, and on the third Tuesday of each month. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 7:00 p.m. in the Board Room, York Hall. Such finding shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2 Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. As a general rule, no work sessions will be conducted during the months of July or August other than those which may occur at the beginning of a regular meeting. A special meeting of the Board of Supervisors shall be called pursuant to Section 15.2-1416 of the Code of Virginia, as amended.

Section 1-3 Annual/Semi-Annual Meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting; and the first meeting held in the sixth month thereafter shall be known as the semi-annual meeting.

Section 1-4 Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420.

Section 1-5 Procedure for Roll Call for Board Members

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis.

Section 1-6 Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-7 Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

Section 1-8 Closed Meetings

A closed meeting shall be held when necessary.

SECTION 2 - OFFICERS

Section 2-1 Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on De-

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ember 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

Section 2-2 Chair May Administer Oaths

The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3 Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors.

Section 2-4 Parliamentarian

The County Attorney shall serve as the Parliamentarian.

Section 2-5 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1 Order of Business

At regular meetings of the Board, the order of business shall be as follows:

- (a) Call to Order
- (b) Invocation
- (c) Pledge of Allegiance
- (d) Roll Call of Members
- (e) Highway Matters
- (f) Presentations
- (g) Citizens Comment Period
- (h) Reports, Requests, and Recommendations of the County Attorney
- (i) Reports, Requests, and Recommendations of the County Administrator
- * (j) Matters Presented by the Board
- (k) Public Hearings (8:00 p.m.)
- (l) Unfinished Business
- (m) Consent Calendar
- (n) New Business
- (o) Closed Meeting

*This time is generally used for individual Board members to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item pre-

sented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action.

Prior to the agenda being prepared, a member of the Board may contact the Clerk and have an item included under this heading. The County Administrator shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

Section 3-1.1 Consent Calendar

The Consent Calendar shall be introduced by a motion "To approve the Consent Calendar," and shall be considered by the Board as a single item.

There shall be no debate or discussion by any member of the Board regarding any item on the Consent Calendar, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the Consent Calendar.

Approval of the motion to approve the Consent Calendar shall constitute approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-2 Manner of Addressing Board Generally; Speaking Only on Question Before Board

- (1) Any person, including Board members, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.
- (2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.
- (3) During those times when the public is addressing the Board, the Chair shall appoint a timekeeper who shall notify speakers and the Board that the allotted time for addressing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speaker's allotted time.
- (4) All presentations to the Board shall normally be limited to no more than 10 minutes, except as hereinafter provided.

Section 3-3 Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall in debate at any meeting of the Board use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

Section 3-4 Priority in Speaking to Board

When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

Section 3-5 Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

Section 3-6 Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7 Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made. No motion shall require a second. The Chairman may make a motion without vacating the Chair.

Section 3-8 Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-9 Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-10 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

Section 3-11 Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, or to adjourn.

Section 3-12 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

Section 3-13 Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

Section 3-14 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order.

SECTION 4 - PUBLIC HEARINGS

Section 4-1 Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes. Speakers may not yield any unused portion of their speaking time to others. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. The applicant in a land use case or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

The order of business for public hearings shall be:

-- staff presentation

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- applicant's presentation (if any)
- public comments

Section 4-2 Members' Participation

Board members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3 Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1 Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except as permitted at the discretion of the Clerk, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the close of the work day on the Thursday two weeks prior to any regular meeting of the Board. Prior to publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman, or with the Vice Chairman in the Chairman's absence.

Section 5-2 Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3 Posting

A copy of the Agenda shall be posted on the door to York Hall at least 48 hours prior to the meeting.

Section 5-4 Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have copies available at each meeting.

Section 5-5 Request to Appear Before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

Section 5-5.1 Citizens Comment Period

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address. Unless approved by the Chairman, or by the Vice Chairman in the Chairman's absence, only York County citizens or persons who own property or businesses in the County shall be allowed to address the Board during the Citizens Comment Period. Speakers shall limit their remarks to three (3) minutes and may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Regular Meeting of the Board. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period.

SECTION 6 - GENERAL CONDUCT AND DECORUM

Section 6-1 Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on Board members, the failure to comply with time limits on speakers, or other forms of offensive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of offensive conduct if the offending party fails or refuses to cease such conduct.

Section 6-2 Board Action; effect

The Board of Supervisors is charged with administering County functions. Primary among these many functions is making policy with majority vote required to effect policy implementation.

The County Administrator is employed by the Board to supervise the execution of County functions in the interim between meetings of the Board. The County Administrator may be delegated as much or as little authority as the governing body desires.

The Board of Supervisors bears the responsibility for successful operation of County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The Chairman of the Board of Supervisors is directly responsible for overseeing the implementation of policy by the County Administrator and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to

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authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

On roll call the vote was:

Yea: (3) Wiggins, Burgett, Zaremba
Nay: (1) Noll

ELECTION OF CHAIRMAN

Chairman Zaremba opened the floor to nominations for the office of Chairman of the York County Board of Supervisors for 2001.

Mr. Wiggins nominated James S. Burgett for the office of Chairman.

Mrs. Noll moved that the nominations for the office of Chairman be closed.

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Noll, Zaremba
Nay: (0)

Mr. Wiggins then moved that James S. Burgett be elected as Chairman of the York County Board of Supervisors for 2001.

On roll call the vote was:

Yea: (4) Burgett, Noll, Wiggins, Zaremba
Nay: (0)

ELECTION OF VICE CHAIRMAN

Chairman Burgett then opened the floor to nominations for the office of Vice Chairman of the York County Board of Supervisors for 2001.

Mr. Zaremba nominated Donald E. Wiggins for the office of Vice Chairman of the York County Board of Supervisors for 2001.

Mr. Zaremba moved that the nominations for the office of Vice Chairman be closed.

On roll call the vote was:

Yea: (3) Zaremba, Wiggins, Burgett
Nay: (1) Noll

Mr. Zaremba then moved that Donald E. Wiggins be elected as Vice Chairman of the York County Board of Supervisors for 2001.

On roll call the vote was:

Yea: (3) Wiggins, Zaremba, Burgett
Nay: (1) Noll

CITIZENS COMMENT PERIOD

Mr. Robert Bazzani, 121 Shirley Drive, congratulated Mr. Burgett and Mr. Wiggins on their elections. He spoke about the pending appointment to be made for District 5 Supervisor, stating he felt he was uniquely qualified for the position. He stated he had run for the position before, just recently against Miss Rapp. Mr. Bazzani stated he has knocked on doors and met with the constituents, and over 600 residents in District 5 voted in the last election for him to represent them. He stated he hoped the Board members would listen to the voters and appoint him as the District 5 Supervisor.

Mr. Harry Ramsey, 300 Broken Bridge Road, congratulated the new Chairman and Vice Chairman, and indicated he was present regarding a notification sent out 30 days ago concerning the development of a 300-unit apartment complex on Broken Bridge Road. He noted that some residents received the notice and some did not. The major problem was that there was an engineering report that was not mailed out with the notification which provided information that the residents should know about concerning the drainage situation. Mr. Ramsey asked for a 30-day extension regarding approval of the development so that the residents will have the opportunity to review and respond to the engineering report.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated that in the next few days he would file a petition in Circuit Court asking for a special election in November for the District 5 Supervisor seat. He then addressed the upcoming session of the General Assembly, stating he had not received as much new legislation as he had thought he would. He stated that HB1650 would amend a current statute regarding VDOT's obligation to not only protect road surfaces, but to also maintain the drainage ditches adjacent to all of them off major roadways. Mr. Barnett stated this was apparently an issue in other parts of the State as well as York County.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. J. Mark Carter, Assistant to the County Administrator, indicated the rezoning application of the Kings which was mentioned by Mr. Ramsey earlier was withdrawn so that they could reconfigure the proposal and resubmit it to the Planning Commission in early February.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll wished everyone a Happy New Year, stating it was going to be a very interesting year. She noted that today she attended a joint hearing in Williamsburg by the Appropriations Committees of the Senate and the House. She stated they were taking testimony from citizens to see what their concerns were. Mrs. Noll noted that mental health, funding for the arts, and funding for cities which have ports and their resulting big maintenance expenses, and which

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are not receiving the financial assistance they need from the State, were the highest priorities of the speakers. She also noted that people were very upset about the pending closure of Eastern State Hospital, indicating an alternative needs to be found.

Mr. Wiggins stated that 2000 had been a very rewarding year for him, and he reviewed some of the accomplishments of the Board including:

Lighting at Seaford Elementary School Athletic Field

Gymnasium at Seaford Elementary School

Maintenance of Industrial and Commercial Property

Meetings with Citizens on issues directly affecting their way of life

Drainage improvements proposals

Improvements to Route 17

Mr. Wiggins stated his agenda was to serve the people, and he intended to continue to do just that.

Mr. Zaremba wished everyone the very best for 2001, and expressed his wish that everyone had an enjoyable and safe holiday season. He thanked the citizens of York County and its staff for giving him the privilege and opportunity to serve during the past year as Chairman of the Board. He stated that during the past 12 months there were some remarkable achievements, and the Board now looked to the next 12 months to address top priority issues such as education. The Board of Supervisors has a close working relationship with the School Board, and the Board will work to maintain and continue to improve on an already outstanding school division. Another high priority is the right kind of economic development for the County in order to keep the real estate tax rate down. Mr. Zaremba stated the Board expects the \$.86 tax rate to be maintained for the coming year. The same philosophy goes toward growth—the Board wants to make sure that growth is consistent with the Zoning Ordinance and is where it should be in terms of what it does and doesn't allow. Mr. Zaremba also indicated the Board will continue to encourage citizen participation in County government and making County government more responsive and accountable to the citizens.

Chairman Burgett thanked the staff for a very successful year, noting the employees' response to the Board's emphasis on customer service has been outstanding. The Board will be outlining a vision for where the County is going and how it will attain its goals. Chairman Burgett then reviewed the appointment process for the District 5 Supervisor position, indicating that the following four individuals had submitted resumes:

Robert Bazzani
Thomas Shepperd
Bill Townsley
H. R. "Dick" Ashe

Chairman Burgett noted that the resumes were on the web site and would be made available in the County's library branches, and he asked anyone else wishing to submit their name for consideration to provide a resume to the Office of the County Administrator by January 12.

Mrs. Noll expressed her agreement with putting the resumes on the website along with placing comments received from the citizens of District 5.

CLOSED SESSION. At 7:50 p.m. Mr. Wiggins moved that the meeting be convened in Closed Session pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to the appointment of a specific County Officer.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 4th day of January, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Adjourned. At 8:07 p.m. Chairman Burgett declared the meeting adjourned sine die.

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Daniel M. Stuck, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors